

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMEY JACKSON,

Plaintiff,

v.

DENNIS DEVALKENAERE, CARLOS
RUTHERFORD, KEVIN KLEMSTINE,
JAMES HUTCHINSON, SCOTT
SCHMITZ, ERIK GULBRANDSON,
and PATRICK PAJOT,

Defendants.

Case No. 18-CV-446-JPS

ORDER

Plaintiff, a prisoner proceeding *pro se*, filed a complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. (Docket #1). He also filed a motion for leave to proceed *in forma pauperis*. (Docket #6). On April 5, 2018, the Court ordered Plaintiff to pay an initial partial filing fee (“IPFF”) of \$1.43 pursuant to 28 U.S.C. § 1915(b). (Docket #8).

Plaintiff then filed a motion on April 9, 2018, asking that the Court tap into his release account to satisfy the IPFF. (Docket #9). On Plaintiff’s representation that his trust account has insufficient funds to cover the IPFF, the Court will order that a disbursement be made from his release account for that purpose. After the Court receives payment of the IPFF, it will screen Plaintiff’s complaint and order that the balance of the fee be collected from his trust account as provided in 28 U.S.C. § 1915(b).¹

¹The Court advises Plaintiff that it can only order that the IPFF be paid from his release account; it cannot order payment of the entire filing fee from that account. *See Doty v. Doyle*, 182 F. Supp. 2d 750, 751 (E.D. Wis. 2002) (noting that “both the Wisconsin Prison Litigation Reform Act. . .and the federal Prison

Accordingly,

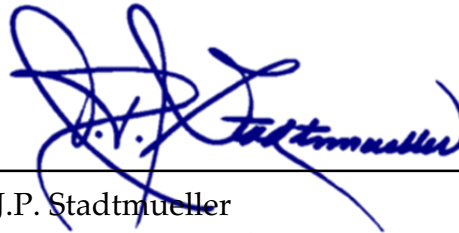
IT IS ORDERED that Plaintiff's motion to use his release account to pay the initial partial filing fee in this matter (Docket #9) be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that the Secretary of the Wisconsin Department of Corrections or his designee shall release \$1.43 from Plaintiff's release account for payment of the initial partial filing fee in this matter; and

IT IS FURTHER ORDERED that a copy of this Order be sent to the officer in charge of the agency where Plaintiff is confined.

Dated at Milwaukee, Wisconsin, this 13th day of April, 2018.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge

Litigation Reform Act [("PLRA")]. . . authorize the courts to order that ... a prisoner's release account be made available [to pay an IPFF]"; *Wilson v. Anderson*, No. 14-CV-0798, 2014 WL 3671878, at *3 (E.D. Wis. July 23, 2014) (declining to order that a prisoner's full filing fee be paid from his release account, "[g]iven the [DOC's] rationale for segregating funds into a release account" and the absence of any statutory authority compelling the court to do so).